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Mr. Anthony Knight, Supervisory Patent Examiner
US Patent Office, Washington, D.C. 20231November 10, 2000
BY FAX (703) 305-7687**URGENT****Official
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GROUP 3600

Re: US Pat. Appln. S/N 08/894,211 (PCT National Stage, filed July 30, 1997)

"EXTENDIBLE AND RETRACTABLE ELEMENTS AND VARIOUS USES FOR THE ELEMENTS"

Our File: 0878

Dear Mr. Knight,

For purposes of our upcoming meeting on Nov. 21 at your offices, at 3:30 PM, I would like to discuss the following:

1. Prior to your Final Office Action of July 21, 2000, we had submitted a response on April 28, 1999, but as you may recall, that response was not entered immediately due to a technicality with the fee, which was the Banks' fault. The case was abandoned and was later revived, and you began reviewing the case in detail at that point. In our brief meeting on May 22, 2000, I showed you a simple model of one of the versions of the telescopic motion.
2. In our response of April 28, 1999, page 6, third paragraph, we asked that you provide a new Office Action, since there were problems with the entry of the PCT Sec. 34 amendments, as detailed in the next paragraph. Thus, we were surprised to see that your latest Office Action of July 21, 2000, was a Final Office Action. This, in our opinion, is premature and should not have been considered as a Final Action, as it was not necessitated by the previous amendment, which only served to re-enter previously entered amendments.
3. We noted in our response of April 28, 1999 to the first Office Action of October 28, 1998, sent by Mr. Ackerman, that there were only 48 claims in his copy of the application. However, in a phone conversation between us on 15 April, 1999, it became clear that the file did not contain the Sec. 34 amendments, and you stated this. We had already filed these amendments in the PCT International Stage, on 14 March 1997, in which an additional claim was added, claim 49. This amendment was acknowledged in the IPER sent on 11 July 1997, in which your name appears as the Authorized Officer. Therefore, we concluded that Mr. Ackerman did not have the proper version of the amended claims before him when he made his comments in the first Office Action. This forced us to re-enter these amendments in our response of April 28, 1999.
4. We believe that the improper handling of the PCT Sec. 34 amendments by the USPTO, and Mr. Ackerman's lack of awareness of this fact, has been detrimental to the situation, and has prejudiced my client's position, since these amendments were not initially considered, when they were already in the file as stated in the IPER. Mr. Ackerman's prior art citations were not directed to the proper set of claims, and one round of exchange was wasted in prosecution.
5. Therefore, we ask that you consider withdrawing the final Office Action because of these irregularities, and inform us if a petition is needed to accomplish this. We need the extra round to focus on the claims, to allow a fair procedure which includes two exchanges, so that we are not pressured by a first and Final Action.
6. In any case, the Steidle reference currently cited in your Final Action is inappropriate, since it describes pneumatically-driven motion of individual sections in succession, not simultaneously, and the collapse of these sections depends on gravity, so that it is weight-driven, and is not controllably reversible. Further, the motion of the sections is not "in-line" with the motion mechanism, spring drum 53, and this is rotational-to-linear motion, not linear-to-linear motion. The construction is heavy and requires a supporting base.
7. In contrast, the present invention describes a motion transmission system in which the elements move simultaneously, with controllably reversible motion, in a hand-held system, operated from either end of the construction, without a requirement for a base to support the elements. The motion of the linking means is adjustably multipliable, with the linking means adjustably arranged on the elements, as can be seen in Figs. 10-15b, 22, 24, and 30, etc. The system of the invention is not dependent on gravity for the re-inserting the elements one within the other, while Steidle uses gravity, and hand rotation of the drum 53, as the sections collapse and the air escapes. As you stated, Steidle cannot provide oppositely-directed motion of elements.
8. Formal matters of listed co-pending applications will be corrected as needed. The wording "and the like" can be removed. The wording "adapted for use" in many claims can be amended to read "in combination with", as you suggested. Thank you for the opportunity to discuss these matters with you. Sincerely,

MEMBER OF ISRAEL & PENNSYLVANIA BARS

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